

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

October 5, 2010

N440 - State Mail
Daniel R. Cousins
SBI No. 004
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977

RE: State v. Cousins
Defendant ID No. 0002004173 (R-2)

Dear Mr. Cousins:

Your second Motion for Postconviction Relief pursuant to Superior Court Criminal Rule 61 was filed on September 20, 2010. It is procedurally barred and must be dismissed.

In 2000, you were convicted of two counts of rape in the first degree, one count of rape in the fourth degree, and one count of unlawful sexual contact. You were sentenced to 67 years, suspended after 30 years for probation. That conviction was affirmed. *Cousins v. State*, 2001 WL 1353571 (Del.), 793 A.2d 1249 (Del. 2001) (TABLE).

In September, 2003, you filed your first Motion for Postconviction relief alleging over a dozen claims. Relevant to this motion is that half of your claims attacked the videotaped interview of the victim. Your motion was denied and the Supreme Court affirmed. *Cousins v. State*, 2004 WL1097700 (Del.), 850 A.2d 302 (Del. 2004) (TABLE).

This Supreme Court decision analyzes your multiple complaints about the videotape that was admitted into evidence.

Your present motion once again attacks the videotaped evidence. You acknowledge you previously raised these claims “only wrongfully quoted under a different statute”.

Pursuant to Rule 61(i), your present motion is procedurally barred because it was filed too late as it comes nine (9) years after your conviction was affirmed and six (6) years after your first postconviction motion; it is repetitive; and it raises issues that have been previously adjudicated.

Your Motion for Postconviction Relief is dismissed as procedurally barred.

IT IS SO ORDERED.

Yours very truly,

/s/ T. Henley Graves

THG:baj

cc: Prothonotary
Paula Ryan, Esquire